

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

JOHN J. HAMILTON, JR.

Defendant.

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CRIMINAL NO. 05-876 (JLL)

ORDER

LINARES, District Judge.

Presently before the Court is the United States of America's ("Government") (1) motion *in limine* regarding admission of 404(b) material [docket No. 109] and (2) motion to preclude reference to Defendant's offer to take a polygraph [docket no. 90] as well as Defendant John J. Hamilton Jr.'s ("Defendant" or "Hamilton") (a) motion to preclude admission of Government Exhibit 79; (b) third motion *in limine* seeking to limit the testimony of Government witness Robert Steffer ("Steffer"). Having reviewed the written submissions of the parties and having heard oral argument,

IT IS on this 29th day of September, 2008,

ORDERED that the Government's motion to admit 404(b) evidence regarding Defendant's acceptance of catering services by Vinny Baker ("Baker") that were underwritten by Steffer [docket no. 109] is hereby **DENIED**; and it is further

ORDERED that, for the reasons set forth in the Court's opinion dated September 29, 2008, the Government's motion to preclude Defendant from referring to Defendant's offer to

take a polygraph [docket no. 90] is hereby **GRANTED IN PART AND DENIED IN PART**;
and it is further

ORDERED that Defendant's motion to preclude admission of Government Exhibit 79,
which is Tape 445 and comprises the April 24, 2001 conversation between Steffer and Baker, is
hereby **DENIED**; and it is further

ORDERED that Defendant's third motion *in limine* to preclude Government witness
Robert Steffer from offering lay opinion testimony as against Federal Rule of Evidence 701
[docket no. 98] is hereby **GRANTED** as to certain portions of Steffer's anticipated testimony.

IT IS SO ORDERED.

/s/ Jose L. Linares
United States District Judge